

## MEDICINE BOARD[653]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code sections 147.76 and 272C.3, the Board of Medicine hereby proposes to amend Chapter 9, "Permanent Physician Licensure," Iowa Administrative Code.

The proposed amendments define an observer and what an observer may do in a clinical setting and what is expected of the physician supervisor of an observer in a clinical setting.

The Board approved the amendment to Chapter 9 during a regularly scheduled meeting held on July 10, 2008.

Any interested person may present written comments on these proposed amendments not later than 4:30 p.m. on September 2, 2008. Such written materials should be sent to Ann E. Mowery, Executive Director, Board of Medicine, 400 S.W. Eighth Street, Suite C, Des Moines, Iowa 50309-4686; or sent by E-mail to [ann.mowery@iowa.gov](mailto:ann.mowery@iowa.gov).

There will be a public hearing on September 2, 2008, at 3 p.m. in the Board office, at which time persons may present their views either orally or in writing. The Board of Medicine office is located at 400 S.W. Eighth Street, Suite C, Des Moines, Iowa.

These amendments are intended to implement Iowa Code chapters 148 and 272C.

The following amendments are proposed.

ITEM 1. Adopt the following **new** "Observer" in rule **653—9.1(147,148,150,150A)**:

"*Observer*" means a person who is not enrolled in an Iowa medical school or osteopathic medical school, who observes care to patients in Iowa for a defined period of time and for a noncredit experience, and who is supervised and accompanied by an Iowa-licensed physician as defined in 9.2(3). An observer shall not provide patient care, regardless of the observer's level of training or supervision. The supervising physician may authorize an observer to read a chart, observe a patient interview or examination, or witness procedures, including surgery. An observer shall not chart; touch a patient as part of an examination; conduct an interview; order, prescribe or administer medications; make decisions that affect patient care; direct others in providing patient care; or conduct procedures, including surgery. Any of these activities requires licensure to practice in Iowa. An unlicensed physician or a medical student may touch a patient to verify a physical finding in the immediate presence of a physician but shall not conduct a more inclusive physical examination.

ITEM 2. Amend paragraph **9.2(2)"a"** as follows:

a. Those persons described in Iowa Code sections 148.2(1) to 148.2(5), ~~150.3, and 150A.2(1) to (5)~~.

(1) A medical student or osteopathic medical student in an international medical school may not take on the role of a medical student in the patient care setting unless enrolling in the University of Iowa's Carver College of Medicine or in Des Moines University's College of Osteopathic Medicine; such a student may only be an observer as defined in rule 9.1(147,148,150,150A).

(2) A graduate of an international medical school shall not practice medicine without an Iowa medical license; however, the graduate may be an observer as defined in rule 9.1(147,148,150,150A).

ITEM 3. Adopt the following **new** subrule 9.2(3):

**9.2(3) Supervision of an observer:** An Iowa-licensed physician who supervises an observer shall accompany the observer and solicit consent from each patient, where feasible, for the observation. The physician shall inform the patient of the observer's background, e.g., high school student considering a

medical career, a medical graduate who is working on licensure. The supervising physician shall ensure that the observer remains within the scope of an observer as defined in rule 9.1(147,148,150,150A).